

Camden, Carteret, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Harnett, Hertford, Hyde, Johnston, Jones, Lenoir, Martin, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson and that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina.

Court for the Eastern District shall be held at Elizabeth City, Fayetteville, Greenville, New Bern, Raleigh, Wilmington, and Wilson.

Middle District

(b) The Middle District comprises the counties of Alamance, Cabarrus, Caswell, Chatham, Davidson, Davie, Durham (excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina), Forsythe, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Person, Randolph, Richmond, Rockingham, Rowan, Scotland, Stanly, Stokes, Surry, and Yadkin.

Court for the Middle District shall be held at Durham, Greensboro, and Winston-Salem.

Western District

(c) The Western District comprises the counties of Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Cherokee, Clay, Cleveland, Gaston, Graham, Haywood, Henderson, Iredell, Jackson, Lincoln, McDowell, Macon, Madison, Mecklenburg, Mitchell, Polk, Rutherford, Swain, Transylvania, Union, Watauga, Wilkes, and Yancey.

Court for the Western District shall be held at Asheville, Bryson City, Charlotte, Shelby, and Statesville.

(June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 89-319, Nov. 2, 1965, 79 Stat. 1186; Pub. L. 96-462, § 5(a)-(c), Oct. 15, 1980, 94 Stat. 2053, 2054; Pub. L. 102-272, Apr. 21, 1992, 106 Stat. 112.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 179 (Mar. 3, 1911, ch. 231, § 98, 36 Stat. 1120; Oct. 7, 1914, ch. 318, 38 Stat. 728; Mar. 17, 1920, ch. 101, § 1, 41 Stat. 531; June 7, 1924, ch. 359, § 1, 43 Stat. 661; Dec. 24, 1924, ch. 18, 43 Stat. 721; June 12, 1926, ch. 566, 44 Stat. 734; June 22, 1926, ch. 645, 44 Stat. 758; June 22, 1926, ch. 646, 44 Stat. 758; Mar. 2, 1927, ch. 276, 44 Stat. 1339; Apr. 25, 1928, ch. 432, 45 Stat. 457; May 10, 1928, ch. 516, 45 Stat. 495; Feb. 20, 1933, ch. 107, 47 Stat. 859; Feb. 28, 1933, ch. 133, 47 Stat. 1350; June 28, 1935, ch. 330, §§ 1, 2, 49 Stat. 429; June 24, 1936, ch. 744, 49 Stat. 1898; June 24, 1936, ch. 759, 49 Stat. 1910; Aug. 17, 1937, ch. 688, 50 Stat. 671).

References to civil and criminal terms at Raleigh were omitted as more properly the subject of rule of court.

The following language at the end of section 179 of title 28, U.S.C., 1940 ed., was omitted: "There shall be a judge appointed for the said middle district in the manner now provided by law who shall receive the salary provided by law for the judges of the eastern and western districts, and a district attorney, marshal, clerk, and other officers in the manner and at the salary now provided by law. All causes in the said middle district in equity, bankruptcy, or admiralty, in which orders and decrees have already been made and which are now

in process of trial, shall continue and remain subject to the jurisdiction of the judge of that district by whom the same shall have been made and before whom the same shall have been partially tried and determined."

The first sentence is superfluous in view of other sections of this title governing the appointment and compensation of the judges, clerks and marshals of the district courts and of district attorneys. The last sentence is obsolete, having been enacted in 1927, and being limited to cases affected by the creation of the middle district.

Provisions for maintenance of offices by the clerks at certain cities were omitted. (See Reviser's Note under sections 452 and 751 of this title.)

Provisions for furnishing rooms and accommodations at Durham, Rockingham, and Winston-Salem were omitted as obsolete upon advice of the Director of the Administrative Office of the United States Courts that Federal accommodations are now available in such places.

The provisions respecting court accommodations at Bryson City and Shelby were omitted as covered by section 142 of this title.

Changes in arrangement and phraseology were made.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-272, which directed the amendment of subsec. (a) by striking out "Clinton," and "Washington," and inserting "Greenville," after "Fayetteville," was executed to the second sentence to reflect the probable intent of Congress.

1980—Subsec. (a). Pub. L. 96-462, § 5(a), added that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina to the Eastern District.

Subsec. (b). Pub. L. 96-462, § 5(b), struck out references to Alleghany, Ashe, Watauga, and Wilkes counties in the list of counties comprising the Middle District; inserted "(excluding that portion of Durham County encompassing the Federal Correctional Institution, Butner, North Carolina)" in first sentence as the probable intent of Congress; and struck out Rockingham, Salisbury, and Wilkesboro as places for holding court.

Subsec. (c). Pub. L. 96-462, § 5(c), added Alleghany, Ashe, Watauga, and Wilkes counties to the Western District.

1965—Pub. L. 89-319 provided for holding court at Clinton.

EFFECTIVE DATE OF 1980 AMENDMENT; SAVINGS PROVISIONS

Amendment by Pub. L. 96-462 effective Oct. 1, 1981, but not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on Oct. 1, 1981, see section 7 of Pub. L. 96-462, set out as a note under section 84 of this title.

Section 5(d) of Pub. L. 96-462 provided that: "The amendments made by this section [amending this section] shall not apply to any action commenced before the effective date of such amendments [Oct. 1, 1981] and pending in any judicial district of North Carolina on such date."

§ 114. North Dakota

North Dakota constitutes one judicial district comprising four divisions.

(1) The Southwestern Division comprises the counties of Adams, Billings, Bowman, Burleigh, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Sioux, Slope, and Stark.

Court for the Southwestern Division shall be held at Bismarck.

(2) The Southeastern Division comprises the counties of Barnes, Cass, Dickey, Eddy,

Foster, Griggs, La Moure, Ransom, Richland, Sargent, Steele, and Stutsman.
Court for the Southeastern Division shall be held at Fargo.

(3) The Northeastern Division comprises the counties of Benson, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Rolette, Towner, Traill, and Walsh.

Court for the Northeastern Division shall be held at Grand Forks.

(4) The Northwestern Division comprises the counties of Bottineau, Burke, Divide, McHenry, McKenzie, Mountrail, Pierce, Renville, Sheridan, Ward, Wells, and Williams.

Court for the Northwestern Division shall be held at Minot.

(June 25, 1948, ch. 646, 62 Stat. 886; Pub. L. 95-408, §3(b), Oct. 2, 1978, 92 Stat. 883.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §180 (Mar. 3, 1911, ch. 231, §99, 36 Stat. 1121; Feb. 5, 1912, ch. 28, 37 Stat. 60; July 17, 1916, ch. 248, 39 Stat. 386; Apr. 10, 1926, ch. 112, 44 Stat. 237; June 3, 1930, ch. 394, 46 Stat. 495; June 29, 1932, ch. 305, 47 Stat. 341; June 19, 1934, ch. 664, 48 Stat. 1120; Dec. 16, 1944, ch. 604, 58 Stat. 814).

A provision relating to maintenance of offices by the clerk was omitted as covered by section 751 of this title.

The provision that Indian reservations shall constitute parts of the divisions within which they are situated was omitted as surplusage. Similar provisions, relating to reservations in South Dakota and Washington, respectively, appeared in sections 187 and 193 of said title 28, on which sections 122 and 128 of this title are based. They were omitted for the same reason. Such provisions did not appear in sections respecting other States containing Indian reservations.

Jamestown and Devils Lake were omitted as places of holding court. The Director of the Administrative Office of the United States Courts, the district judge, and the senior circuit judge advise that court has not been held in these places for many years.

Changes in arrangement and phraseology were made.

AMENDMENTS

1978—Par. (2). Pub. L. 95-408, §3(b)(1), struck out Sheridan and Wells from the counties comprising the Southeastern Division.

Par. (3). Pub. L. 95-408, §3(b)(2), struck out Bottineau, McHenry and Pierce from the counties comprising the Northeastern Division.

Par. (4). Pub. L. 95-408, §3(b)(3), added Bottineau, McHenry, Pierce, Sheridan and Wells to those counties comprising the Northwestern Division.

EFFECTIVE DATE OF 1978 AMENDMENT; SAVINGS PROVISION

Amendment by Pub. L. 95-408 effective 180 days after Oct. 2, 1978, with such amendment not to affect the composition or preclude the service of any grand or petit juror summoned, empaneled, or actually serving in any judicial district on the effective date of this Act, see section 5 of Pub. L. 95-408, set out as a note under section 89 of this title.

§ 115. Ohio

Ohio is divided into two judicial districts to be known as the Northern and Southern Districts of Ohio.

Northern District

(a) The Northern District comprises two divisions.

(1) The Eastern Division comprises the counties of Ashland, Ashtabula, Carroll, Columbiana, Crawford, Cuyahoga, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

Court for the Eastern Division shall be held at Cleveland, Youngstown, and Akron.

(2) The Western Division comprises the counties of Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Woods, and Wyandot.

Court for the Western Division shall be held at Lima and Toledo.

Southern District

(b) The Southern District comprises two divisions.

(1) The Western Division comprises the counties of Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, Shelby, and Warren.

Court for the Western Division shall be held at Cincinnati and Dayton.

(2) The Eastern Division comprises the counties of Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Licking, Logan, Madison, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Union, Vinton, and Washington.

Court for the Eastern Division shall be held at Columbus¹ St. Clairsville, and Steubenville.

(June 25, 1948, ch. 646, 62 Stat. 887; Feb. 10, 1954, ch. 6, §2(b)(9), 68 Stat. 11; Pub. L. 107-273, div. C, title I, §11021, Nov. 2, 2002, 116 Stat. 1829.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §181 (Mar. 3, 1911, ch. 231, §100, 36 Stat. 1121; Mar. 4, 1915, ch. 159, 38 Stat. 1187; Feb. 14, 1923, ch. 78, 42 Stat. 1246).

Other provisions of said section 181 of title 28, U.S.C., 1940 ed., are incorporated in section 1865 of this title.

Provisions relating to the place of institution or trial of prosecutions and civil actions and transfer thereof were omitted. Such provisions, as to civil cases, are covered by section 1391 et seq. of this title, and as to criminal cases, are rendered unnecessary because of inherent power of the court and Rules 18-20 of the Federal Rules of Criminal Procedure relating to venue.

The provision respecting court accommodations at Lima was omitted as covered by section 142 of this title.

Changes were made in arrangement and phraseology.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107-273, which directed amendment of par. (2) by inserting “St. Clairsville,” after “Columbus,” was executed by making the insertion after “Columbus”, to reflect the probable intent of Congress.

¹ So in original. Probably should be followed by a comma.